

Docket No. 74768-BAA-PCT-US/JPW/GJG/JRM

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michael Wayne Graham et al.

Serial No. : 10/821,710 Examiner: Schnitzer, Richard A.

Filed : April 8, 2004 Group Art Unit: 1635

For : CONTROL OF GENE EXPRESSION

Mail Stop Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Date: February 7, 2008

Sir:

Transmitted herewith is an amendment to the above-identified application.

Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been previously established.

A verified statement to establish small entity status under 37 C.F.R. §1.9 and §1.27 is enclosed.

No additional fee is required.

The filing fee is calculated as follows:

	Number after Amendment	Highest Number Previously Paid For ¹	Number of Extra Claims Presented	RATE			FEE	
				Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	39	* 55	*** 0 X	\$25	\$50	=	0.00	
Independent Claims	1	** 3	*** 0 X	\$105	\$210	=	0.00	
Multiple Dependent Claim(s) Presented For First Time Yes <input checked="" type="checkbox"/> No				\$185	\$370	=	0.00	
				TOTAL ADDITIONAL FEE			\$ 0.00	

¹ The "HIGHEST NUMBER PREVIOUSLY PAID FOR" (Total or Independent) is the highest of the "NUMBER AFTER AMENDMENT" in any prior amendment or the number of claims originally filed.

* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.

** If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.

*** If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than "0", write "0".

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Amendment Transmittal Letter

Page 2

The following are also enclosed:

☒ One additional copy of this Amendment Transmittal Letter

☒ Return Receipt Postcard

☐ An Information Disclosure Statement, including Form PTO-1449

(Copies of citations included: Yes ☐ No ☐

and a fee of \$ ☐ included)

☒ A Petition for an Extension of Time, including a fee of
\$ 1,050.00 for a Petition for 3 Month(s) Extension of Time

☐ Other (identify): _____

THE TOTAL FEE DUE IS \$ 1,050.00.

☒ A check in the amount of \$ 1,050.00 is enclosed.

☐ Please charge Deposit Account No. _____ in the amount of
\$ _____.

☒ The Commissioner is hereby authorized to charge any additional fees
required or credit any overpayment to Deposit Account No. 03-3125
as follows:

☒ Fees under 37 C.F.R. \$1.16 for the presentation of extra claims
☐ Patent application processing fees under 37 C.F.R. \$1.17

Respectfully submitted,

I hereby certify that this
correspondence is being deposited this
date with the U.S. Postal Service with
sufficient postage as first class mail
in an envelope addressed to:
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.
Gary J. Gershik 2/7/08
Date
Gary J. Gershik
Reg. No. 39,992

Gary J. Gershik
John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicant(s)
Cooper & Dunham LLP (Customer #23432)
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

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- ☒ One additional copy of this Amendment Transmittal Letter
- ☒ Return Receipt Postcard
- ☐ An Information Disclosure Statement, including Form PTO-1449
(Copies of citations included: Yes ☐ No ☐
and a fee of \$ ☐ included)
- ☒ A Petition for an Extension of Time, including a fee of
\$ 1,050.00 for a Petition for 3 Month(s) Extension of Time
- ☐ Other (identify): _____

THE TOTAL FEE DUE IS \$ 1,050.00.

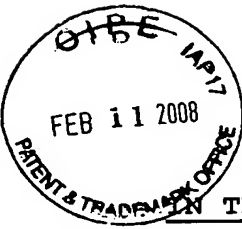
- ☒ A check in the amount of \$ 1,050.00 is enclosed.
- ☐ Please charge Deposit Account No. _____ in the amount of
\$ _____.
- ☒ The Commissioner is hereby authorized to charge any additional fees
required or credit any overpayment to Deposit Account No. 03-3125
as follows:
- ☒ Fees under 37 C.F.R. \$1.16 for the presentation of extra claims
- ☐ Patent application processing fees under 37 C.F.R. \$1.17

Respectfully submitted,

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New York, New York 10036
February 7, 2008

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**AMENDMENT IN RESPONSE TO AUGUST 7, 2007 OFFICE ACTION
AND PETITION FOR THREE-MONTH EXTENSION OF TIME**

This Amendment is submitted in response to the August 7, 2007 Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the August 7, 2007 Office Action was due November 7, 2007. Applicants hereby petition under 37 C.F.R. §1.136(a) for a three-month extension of time. The fee for a three-month extension of time under 37 C.F.R. § 1.17(a)(3) is one thousand and fifty dollars (\$1,050.00) and a check for this amount is enclosed. With a three-month extension of time, a response to the August 7, 2007 Office Action is due February 7, 2008. Accordingly, this Amendment is being timely filed.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 8 of this paper.

02/12/2008 CNEGA1 00000007 10821710

01 FC:1253

1050.00 OP

Please amend the subject application as follows: